IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Bail Appl..No. 4785 of 2007()

CRIME NO. 289/07 OF KADAKKAL POLICE STATION

PETITIONER/ACCUSED

SURENDRAN NAIR,
S/O PARAMESWARAN PILLAI, SUDHA COTTAGE,
CHIRAVOOR, CHITHARA, KOTTARAKKARA.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KADAKKAL POLICE
STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4785 of 2007

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Dated this the 8th day of August, 2007

O R D E R

Application for anticipatory bail. Petitioner is the sole accused. He is said to be a Member of the local Panchayat. The crux of the allegations against him is that he showered abusive words on a Head Constable, who had gone to a colony to make certain enquiry. He was allegedly deterred from performing his duty and abusive words were showered on him. Crime has been registered against the petitioner under Sections 353 and 294B I.P.C.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Exaggerated and fanciful allegations are raised against the petitioner. The petitioner apprehends physical violence if the petitioner were to surrender before the Investigating Officer. In these circumstances the petitioner may be permitted to appear before the learned Magistrate and seek bail, it is prayed.

3. Having considered all the relevant inputs, I am satisfied, in the peculiar facts and circumstances, appropriate directions can be issued in favour of the petitioner.

4. In the result:

(1) This application is allowed in part.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 14.8.2007 at 11 a.m. He may file application for bail after giving sufficient prior notice to the learned Prosecutor in charge of the case. The learned Magistrate shall consider the petitioner's application for bail on merits, in accordance with law and expeditiously - on the date of surrender itself. Needless to say, the police shall also be entitled to raise their objections and seek relief, if any necessary, from the learned Magistrate on such date of surrender itself. Such request if any shall also be considered and disposed of on that day.

(b) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 14.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(c) If the petitioner were arrested prior to his surrender on 14.8.2006 as directed in clause (1) above, he shall be released on his executing

bond for Rs. 25,000/- without any surety undertaking to appear before the learned Magistrate on 14.8.2007.

(R. BASANT)
Judge

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